

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

**SCANNED**

**AUG 30 2005**

**PCT** INITIAL 703306PCT

To:  
MAGNA INTERNATIONAL INC. ET AL  
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AURORA, Ontario  
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## NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Rule 71.1)

Date of mailing (day/month/year) 26 August 2005 (26-08-2005)

Applicant's or agent's file reference  
20826/309534

### IMPORTANT NOTIFICATION

International application No.  
**PCT/IB2004/002528**

International filing date (day/month/year)  
06 August 2004 (06-08-2004)

Priority date (day/month/year)  
12 August 2003 (12-08-2003)

Applicant  
MAGNA INTERNATIONAL INC. ET AL

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

#### 4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the *PCT Applicant's Guide*.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the IPEA/CA  
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## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/IB2004/002528**Box No. I Basis of the report**

1. With regard to the language, this report is based on:
- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rules 12.3(a) and 23.1(b))
- ☐ publication of the international application (Rule 12.4(a))
- ☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- ☐ pages 1-5 as originally filed/furnished
- ☐ pages\* received by this Authority on \_\_\_\_\_
- ☐ pages\* received by this Authority on \_\_\_\_\_
- ☐ the claims:
- ☐ pages as originally filed/furnished
- ☐ pages\* as amended (together with any statement) under Article 19
- ☐ pages\* 6-7 (Claims 1-9) received by this Authority on Mar-04-2005
- ☐ pages\* received by this Authority on \_\_\_\_\_
- ☐ the drawings:
- ☐ pages 1-3 as originally filed/furnished
- ☐ pages\* received by this Authority on \_\_\_\_\_
- ☐ pages\* received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.
3. ☒ The amendments have resulted in the cancellation of:
- ☐ the description, pages \_\_\_\_\_
- ☒ the claims, Nos. 1-3 (as filed)
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	<u>1-9</u>	YES
	Claims		NO
Inventive step (IS)	Claims	<u>1-9</u>	YES
	Claims		NO
Industrial applicability (IA)	Claims	<u>1-9</u>	YES
	Claims		NO

**2. Citations and explanations (Rule 70.7)**

Reference is made to the following document:

D1: WO 90/11161 (Behler et al.) 04 October 1990

D1 disclosed an arrangement for laser lap welding of galvanized steel workpieces wherein at least one workpiece has indentations on one surface of the workpiece creating a recess when the two workpieces are juxtaposed with each other. The arrangement is designed so that the shaping is in the form of a straight knurl, a milling, or a series of indentations which can be produce by cold pressing, rolling, or stamping.

**Novelty (N)**

Claims 1-9 comply with PCT Article 33(2). The claims are consider to be new in view of the closest prior art, D1. D1 fails to teach the formation of a gap between the two workpieces by creating a raised region only on the first surface of the workpieces as claimed by claims 1-9.

**Inventive Step (IS)**

Claims 1-9 comply with PCT Article 33(3). The claims are considered to involved an inventive step since, having regard to the prior art, it is not obvious to a person skilled in the art at the releveant date.

**Industrial Applicability (IA)**

The subject matter of claims 1-9 is considered to be industrial applicable and thus fulfills the requirements of PCT Article 33(4).

**Box No. VIII** Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. The description does not comply with Rule 5.1 (ii) of the Regulations Under the PCT. The relevant background art, such as that cited here, must be discussed in the description to aid in the understanding, examining and searching of this application.
2. A statement in the description, such as found on page 1 which incorporates by reference any other document, does not comply with Article 5 of the PCT. The description should be complete in itself. A skilled person should be able to understand the specification without reference to any other document.